



INDIANA COMMISSION *for*
HIGHER EDUCATION

INDIANA
STATE ETHICS COMMISSION

IC 4-2-6-11
Post-employment waiver

AUG 13 2020

FILED

As the Appointing Authority of the Indiana Commission for Higher Education, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Colby Shank in his post-employment with Ivy Tech Community College.

I understand that I must file and present this waiver to the State Ethics Commission at their next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of
(Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving):

- IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.
- IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.
- IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.
- IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. (Please provide a brief description of the specific particular matter(s) to which this waiver applies below):
- Administration of Indiana's state financial aid programs



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B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

As the Commission's Associate Commissioner for Student Financial Aid, Mr. Shank has decision-making authority over policies pertaining to and the implementation of Indiana's state financial aid programs. Indiana has 19 state financial aid programs which have annual expenditures exceeding \$350 million. Mr. Shank approves which institutions are eligible to receive state financial aid and ensure participating institutions comply with state laws and policy. He is also responsible for setting financial aid award amounts and making budget recommendations.

Further, Mr. Shank oversees the work of the Commission's State Financial Aid Support Center and information technology teams. The State Financial Aid Support Center handles over 20,000 interactions with students and families annually and ensures schools and students understand financial aid award packages. Through our IT team, he is responsible for our public-facing software system known as ScholarTrack which interfaces with K-12 schools, colleges, students and parents.

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

Mr. Shank's prospective employer is Ivy Tech Community College (Ivy Tech), and his title would be Assistant Vice President for Student Financial Aid. In this position, he would provide leadership and strategic vision for all areas of Ivy Tech's administration of financial aid. This includes strategic planning, financial aid administration, financial aid legislation, goal setting, customer service, implementation of new initiatives, technology, staffing, training, evaluation, and communications. His position would direct and monitor the statewide administration of student financial aid at Ivy Tech to ensure compliance with internal policies and all federal, state and local regulations.

3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:

The Commission is responsible for the administration of Indiana's state financial aid and Ivy Tech is a state financial aid eligible institution. Therefore, Mr. Shank's potential position with Ivy Tech would involve interaction with the Commission as the position would oversee Ivy Tech's administration of federal and state financial aid. However, the Commission will not be making discretionary decision on the work product of the employee.



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4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:

Mr. Shank's prospective employment is beneficial to both the state and the public. In his current role, Mr. Shank has modernized the delivery of Indiana's state financial aid. This includes implementing significant legislative reforms and the launch of our new state financial aid delivery software. Indiana has been recognized as a national leader in the administration of state financial aid during his tenure and other states look to our agency for guidance. Having Mr. Shank lead the administration of financial aid at Indiana's largest postsecondary institution, Ivy Tech, will be beneficial to Ivy Tech, their students and the taxpayers.

5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

Denying this waiver would provide an economic hardship for Mr. Shank as he would not have the opportunity to further his career and his passion of working in post-secondary education. He has developed a strong skillset and understands Indiana's state financial aid system very well. A role at an institution and other higher education stakeholders provide more opportunities to grow in higher education than are available at the Commission.

C. Signatures

1. Appointing authority/state officer of agency

By signing below I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.



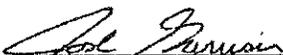
Teresa Lubbers

8/2/20

DATE

2. Ethics Officer of agency

By signing below I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).



Josh Garrison

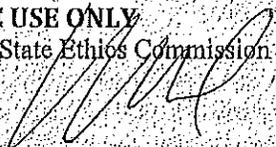
8/4/20

DATE



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D. Approval by State Ethics Commission

FOR OFFICE USE ONLY Approved by State Ethics Commission	
	8-13-20
Katherine Noel, Chair, State Ethics Commission	Date:

Mail to:
Office of Inspector General
315 West Ohio Street, Room 104
Indianapolis, IN 46202
OR
Email scanned copy to:
info@ig.in.gov

Upon receipt you will be contacted